

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

PETER PAUL BIRO,

Plaintiff,

-against-

CONDÉ NAST, a division of ADVANCE
MAGAZINE PUBLISHERS INC., et al.,

Defendants.

x

: Index No. 11-CV-04442 (JPO)

: ECF Case

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**NOTICE OF MOTION BY
THE ADVANCE DEFENDANTS
FOR JUDGMENT ON THE
PLEADINGS UNDER RULE 12(c)**

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PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 12(c), and upon the accompanying Memorandum of Law and all pleadings and papers previously filed herein, defendants Advance Magazine Publishers Inc. and David Grann respectfully move this Court before The Honorable J. Paul Oetken, United States District Judge, for an order dismissing plaintiff's Third Amended and Supplemental Complaint against them with prejudice for failure to state a claim.

Dated: March 1, 2013

Respectfully submitted,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

/s/ David A. Schulz

David A. Schulz

Chad R. Bowman (*pro hac vice*)

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Publishers Inc. and David Grann*